

REMARKS/ARGUMENTS

Claims 1, 2, 6-15, 19-21, 24, and 27-34 were previously pending in the application. Claims 1, 14, and 21, are amended; and new claims 35-40 are added herein. Assuming the entry of this amendment, claims 1, 2, 6-15, 19-21, 24, and 27-40 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

Allowable Subject Matter

On page 13 of the office action, the Examiner stated that claim 33 is allowed and claims 9-11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior-Art Rejections

In pages 2-9, the Examiner rejected claims 1, 2, 6, 8, 14, 15, 19, 21, 24, 27-32, and 34 under 35 U.S.C. 102(e) as being anticipated by Grover (U.S. Patent No. 6,856,592 B2 to Grover et al.). In pages 10-11, the Examiner rejected claims 7 and 20 under 35 U.S.C. 103(a) as unpatentable over Grover in view of Cisco (Cisco's Packet over SONET/SDH (POS) Technology Support). In pages 12-13, the Examiner rejected claims 12 and 13 under 35 U.S.C. 103(a) as unpatentable over Grover in view of Mo (U.S. Patent App. No. 2003/0037276 A1 to Mo et al.).

Interview with Examiner

On August 14, 2007, attorney for Applicant had a telephonic interview with Examiner to discuss possible amendments to overcome the prior art of record. Examiner informed attorney for Applicant that certain amendments discussed would overcome the rejections to claims 1 and 21.

Claim 1

Claim 1 has been amended to clarify the limitation regarding the primary path vector. The Examiner agreed that amended claim 1 would be allowable. Since claims 2, 6-13, 27-28, and 34 depend variously from claim 1, it is further submitted that those claims are allowable.

Claim 14

Claim 14 has been amended to clarify the limitation regarding the primary path vector. For similar reasons as for claim 1 above, Applicant submits that amended claim 1 is allowable.

Since claims 15, 19-20, and 29-30 depend variously from claim 14, it is further submitted that those claims are allowable.

Claim 21

Claim 21 has been amended to clarify the limitation regarding the calculated restoration path. Examiner agreed that the amended limitation, “wherein the restoration path has previously been calculated,” was not taught by the prior art and that, therefore, the claim would be allowable. Since claims 24 and 31-32 depend from claim 21, it is further submitted that those claims are allowable.

Claim 35

New claim 35 incorporates the subject matter of previously-pending claim 1 with a clarifying amendment that the Examiner agreed would make the claim allowable. Since new claims 36-39 depend from claim 35, it is further submitted that those claims are allowable.

Claims 36-39

New claim 36 incorporates subject matter from claim 8. New claim 37 incorporates subject matter from claim 9. New claim 38 incorporates subject matter from claim 10. New claim 39 incorporates subject matter from claim 11. As indicated above, Applicant submits that new claims 36-39 are allowable.

Claim 40

New claim 40 incorporates the subject matter of previously-pending claim 9, including the base claim and all intervening claims, *i.e.*, previously-pending claims 1 and 8. As noted above, the Examiner indicated that previously-pending claim 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Thus, Applicant submits that claim 40 is allowable.

Fees

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to Mendelsohn & Associates, P.C. Deposit Account No. 50-0782.

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission,

as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Respectfully submitted,

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